

REMARKS

Claims 7-21 are currently pending in the above-referenced Application, with claims 1-6 standing withdrawn by the Examiner following the Election/Restriction Requirement mailed September 25, 2003. New claims 22-23 are added above.

The Applicant wishes to express his appreciation for the courtesies extended by the Examiner in the Interview conducted January 19, 2005. The foregoing amendments and following remarks are consistent with the discussions and agreements reached during the interview. The Applicant has amended the claims to place objected-to but otherwise allowable claims 12 and 20, and claims 8 and 16, into independent form.

Specification Objection: The Applicant has amended Specification paragraphs [0015], [0016] and [0018] to replace the blank characters with the alpha and beta characters contained in the original German application to which priority is claimed. The Applicant submits that no new matter has been entered, as the angles described in these paragraphs are illustrated and labeled with these characters in the original figures.

§ 112, Second Paragraph Rejection: The Applicant respectfully traverses the pending rejection of claims 8-10, 13 and 16-17 as indefinite, on the grounds that claims 8 and 16 are consistent claims 7 and 14, respectively. Claim 7 recites that “the running profile is asymmetrically *disposed* with respect to a tire carcass center plane.” Claim 8 recites that “the running profile is symmetrically *configured*,” and this symmetric profile is “arranged laterally offset with respect to the center plane.” An example of such a profile is shown in Fig. 3, in which

symmetric profile 10' (with plane of symmetry 17) is *asymmetrically disposed* relative to ("offset with respect to") the tire center plane. Thus, claim 8's offset symmetric running profile is within the scope of, and consistent with, claim 7's recited "asymmetrically disposed" running profile.

In view of the foregoing, the Applicant respectfully requests reconsideration and withdrawal of the pending § 112, second paragraph rejection.

Rejection Under § 103(a): Claims 7, 14-15, 18-19 and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,351,540 to Minnebraker ("Minnebraker") in view of U.S. Patent No. 6,142, 201 to Harms ("Harms"). The Applicant respectfully traverses the rejection of these claims on the grounds that Minnebraker and Harms, either alone or in combination, fail to teach or suggest the invention recited in independent claims 7 and 14.

In the normal use position of a wheelchair tire, a wheelchair wheel is typically canted inboard at its top, such that the chair occupant's hands reach across and around the outside of the tire. The present invention's asymmetrical tire profile presents a running profile at the ground surface which provides the desired traction and wear characteristics, while presenting a smooth surface at the outside top of the tire to prevent abrasion of the occupant's hands.

The Harms reference is cited as teaching a tire "which is asymmetrically disposed with respect to the tire carcass center plane." July 23, 2004 at 5. The Applicant submit that one of ordinary skill in the art would not have considered combining Minnebraker and Harms.

Harms teaches a tire for a “dune buggy” vehicle which is equipped with a shoulder or ridge (“radial face surface 30”) on the outside of the tire. Harms at 2:12-17. The application of such as profile to a wheelchair tire would be highly undesirable, and thus would not have been considered by one of ordinary skill. For example, if the Harms profile was applied facing inward toward the chair, the occupant’s hand would be presented at the top of the tire with an uncomfortable ledge cutting into their palm. Such a profile would also provide unsatisfactory performance, as it would be resting on the ground on only a narrow strip at the tip of the ridge. If, on the other hand, the Harms profile is applied facing outward, the occupant would be presented a outward-facing ridge which would be uncomfortable to reach over in order to grasp the tire for propulsion, and, when attempting to brake the wheelchair, would potentially prevent the occupant from obtaining a firm grasp on the tire. Indeed, due to the concentration of friction contact on the occupant’s palm at the tip of the outward-facing ridge, the Harm’s ridge could potentially be a source of friction burns to the occupant’s palm during braking. Thus, even if one of ordinary skill were aware of Harms, they would have immediately dismissed this reference from further consideration as an unsuitable for a wheelchair tire application.

For the foregoing reasons, the Applicant respectfully submits that there would be no suggestion or motivation to combine the incompatible Harms tire profile with Minnebraker. Reconsideration and withdrawal of the pending § 103(a) rejection of claims 7 and 14 and their respective dependent claims.

As a separate matter, the Applicant notes that claims 8 and 16 recite a

symmetric running profile, laterally offset from the tire center. The Harms profile is asymmetric; one this grounds alone, claims 8 and 16 and their respective dependent claims are patentable over Minnebrake and Harms.

Finally, the Applicant has added new claims 22-23. These claims, based on independent claims 7 and 14, further recite that the running profile, when in an in-use position, is configured such that “a center of a ground contact area of the tire is substantially aligned with a center of the asymmetric running profile.” Unlike the present invention, if a Harms profile were applied to a wheelchair tire, the center of the Harms asymmetric running profile would not be aligned with the center of the tire’s ground contact area, whether the Harms profile faces inward or outward. Claims 22-23 therefore are also patentable under § 103(a) over the combination of Minnebraker and Harms.

CONCLUSION

In view of the foregoing remarks, the Applicant respectfully submits that claims 7-23 are patentable over the cited references and are in form for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

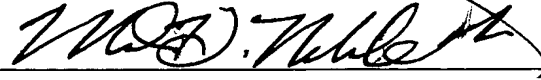
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #1891.50917US).

January 24, 2005

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D.D. Evenson", written over a horizontal line.

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